

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

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| (1) DEPARTMENT Public Works | (2) MEETING DATE 10/18/2016 | (3) CONTACT/PHONE Phil Acosta, Right of Way Agent (805) 781-5290 | |
| (4) SUBJECT Submittal of right of way documents accepting conveyance to the County of San Luis Obispo from Edward A. and Mary E. Weipert for the South Higuera Left Turn Lane Project, San Luis Obispo. District 3. | | | |
| (5) RECOMMENDED ACTION It is recommended that the Board: <ol style="list-style-type: none"> 1. Approve and execute the Right of Way Agreement and accept the accompanying Public Road and Slope Easement Deed from Edward A. Weipert and Mary E. Weipert, Trustees of the Edward A. Weipert Family Revocable Trust by execution of the attached Certificate of Acceptance, and direct the Clerk to record the Deed and return copies of the executed Agreement and recorded Deed to the Department of Public Works for completion of the transaction; and 2. Authorize the Public Works Director, or his designee, to execute any remaining escrow and payment related documents or instructions necessary to close the transaction associated with this real property interest. | | | |
| (6) FUNDING SOURCE(S) Parks Public Facility Fees | (7) CURRENT YEAR FINANCIAL IMPACT \$27,300.00 | (8) ANNUAL FINANCIAL IMPACT \$0.00 | (9) BUDGETED? Yes |
| (10) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. ____) <input type="checkbox"/> Board Business (Time Est. ____) | | | |
| (11) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions <input checked="" type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A | | | |
| (12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A | | (13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: N/A <input type="checkbox"/> 4/5 Vote Required <input checked="" type="checkbox"/> N/A | |
| (14) LOCATION MAP Attached | (15) BUSINESS IMPACT STATEMENT? No | (16) AGENDA ITEM HISTORY <input checked="" type="checkbox"/> N/A Date: _____ | |
| (17) ADMINISTRATIVE OFFICE REVIEW David E. Grim | | | |
| (18) SUPERVISOR DISTRICT(S) District 3 | | | |

Reference: 16OCT18-C-1

County of San Luis Obispo



TO: Board of Supervisors
FROM: Public Works
Phil Acosta, Right of Way Agent
VIA: Dave Flynn, Deputy Director of Public Works
DATE: 10/18/2016

SUBJECT: Submittal of right of way documents accepting conveyance to the County of San Luis Obispo from Edward A. and Mary E. Weipert for the South Higuera Left Turn Lane Project, San Luis Obispo. District 3.

RECOMMENDATION

It is recommended that the Board:

1. Approve and execute the Right of Way Agreement and accept the accompanying Public Road and Slope Easement Deed from Edward A. Weipert and Mary E. Weipert, Trustees of the Edward A. Weipert Family Revocable Trust by execution of the attached Certificate of Acceptance, and direct the Clerk to record the Deed and return copies of the executed Agreement and recorded Deed to the Department of Public Works for completion of the transaction; and
2. Authorize the Public Works Director, or his designee, to execute any remaining escrow and payment related documents or instructions necessary to close the transaction associated with this real property interest.

DISCUSSION

The South Higuera Left Turn Lane (LTL) Project arises out of a condition of approval related to Conditional Use Permit (C.U.P. No. DRC2010-00053) which was issued to the Land Conservancy of San Luis Obispo County (Conservancy) for the improvement of the historic Octagon Barn for use as an agricultural museum with events and classroom space on portions of Assessor's Parcel Numbers 076-071-016 and 076-081-025 controlled by the Conservancy under long term leases.

The County Parks and Recreation Department and the Conservancy are working jointly to complete the Octagon Barn facilities pursuant to the Memorandum of Understanding between these two entities and approved by your Board dated October 7, 2008 (item A-9) and also under the Joint Operating Agreement between the two entities and approved by your Board on June 3, 2014 (Item 15). County Parks is managing construction of the LTL with the assistance of Public Works Department which will ultimately maintain the LTL.

The Project also includes shoulder widening on both sides of South Higuera Street, repaving, road striping, associated infrastructure improvements, and installation of the appropriate signage. The project site is approximately 1,400 feet in length just south of the San Luis Obispo City limits, in the San Luis Obispo Planning Area.

The attached Right of Way Agreement and Public Road and Slope Easement Deed from the Edward A. Weipert Family Revocable Trust will provide the County and its contractors with one of three real property interests required to construct the proposed project. The acquisition settlement is based upon a fair market value staff appraisal.

The approval and execution of the Right of Way Agreement and the acceptance of the related Public Road and Slope Easement Deed, by execution of the attached Certificate of Acceptance, will allow the Department to proceed with processing and payment pursuant to the Agreement. Project construction is expected in FY 2016/17.

OTHER AGENCY INVOLVEMENT/IMPACT

County Counsel has reviewed and approved the attached documents as to legal form and effect. San Luis Obispo County Environmental Coordinator has provided necessary clearance for this project by Mitigated Negative Declaration as adopted by your Board on November 24, 2015.

The County Parks and Recreation Department is the lead agency in the County's overall involvement in the Project.

FINANCIAL CONSIDERATIONS

The Right of Way Agreement provides for the following compensation:

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| Edward A. Weipert Family Revocable Trust | \$27,300 |
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This is a multi-year project budgeted in the Facilities Capital Fund – WBS 300020 in the amount of \$4,039,968. County Parks has committed Parks Public Facility Fees (PPFF) for the Left Hand Turn Lane improvements. Future project costs for Bob Jones Trail will be funded by grants, PPFF and other future funding sources.

RESULTS

Approval of the recommended actions will result in the appropriation of one of three real property rights required for this budgeted project. Completion of the project will provide for a safer and healthier community.

ATTACHMENTS

1. Vicinity Map
2. Right of Way Agreement, Parcel 16-06
3. Public Road and Slope Easement Deed and Certificate of Acceptance, Parcel 16-06

File: 405R990156 (S. Higuera LTL Project WBS 320020)

Reference: 16OCT18-C-1

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